



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, 10 फरवरी, 1972/21 माघ, 1893

GOVERNMENT OF HIMACHAL PRADESH
PANCHAYATI RAJ DEPARTMENT
NOTIFICATION

Simla-4, the 10th January, 1972

No. 4-2/71-CDP/PNT.—In exercise of the powers conferred by section 163 of the Himachal Pradesh Panchayati Raj Act, 1958 (Act No. 19 of 1970), the Governor of Himachal Pradesh is pleased to make the following rules entitled as the Himachal Pradesh Panchayat Samitis Rules, 1971, which were previously published in the official gazette, under this Government Notification No. 4 2/71-CDP (PNT), dated the 19th August, 1971.

RULES

CHAPTER I

Short title and commencement.

1. (1) These Rules may be called the Himachal Pradesh Panchayat Samitis Rules, 1971.

(2) These shall come into force at once.

Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the Himachal Pradesh Panchayati Raj Act, 1968;

(b) "Section" means the relevant section of the Act;

(c) "Form" means a form appended to these rules;

(d) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

Lease of any property or public place.
[Section 61 (2) of the Act.]

3. (1) A Panchayat Samiti may lease out any property or public place with the prior permission of the Deputy Commissioner.

(2) All leases shall be by auction after giving publicity as laid down in rule 5 and shall be for a period not exceeding five years.

Sale of any property or public place.

4. (1) A Panchayat Samiti shall not ordinarily sell any property or public place belonging to or vested in it, if it can be leased out or profitably maintained:

Provided that the previous sanction for sale shall be obtained of the Deputy Commissioner if the value of the property or public place does not exceed one thousand rupees and of the Director, if the value of the property or public place does not exceed five thousand rupees and of the Government, if the value of the property or public place exceeds five thousand rupees.

(2) All sales shall be by auction after giving publicity as laid down in rule 5 or by tender or in such other manner as may be decided by the State Government.

Method of publicity.

5. When any property or public place is to be sold or given on lease, the Panchayat Samiti shall publicise an auction notice in at least one Hindi newspaper and by displaying the auction notice at conspicuous places in the Panchayat Samiti area and out side the office of the Panchayat Samiti and in such other manner as may be considered useful by the Chairman, Panchayat Samiti.

Disposal of property or public place other than by sale or lease.

6. If a Panchayat Samiti wishes to dispose of any property or public place in any manner otherwise than by sale or lease, it shall obtain the previous sanction of the Government after giving details of the proposed transaction.

Sale or lease not in the interest of Panchayat Samiti.

7. The Director or the Deputy Commissioner, as the case may be, shall not accord sanction for the sale or lease of the property or public place, if such sale or lease is not in the interest of the Panchayat Samiti or causes inconvenience to the public.

8. No suit is to be brought on behalf of the Panchayat Samiti except as a last resort, when other means of obtaining satisfaction have failed.

Suit on behalf of Panchayat Samiti.

Note.—“Suit” means a suit by or against or affecting a Panchayat Samiti or an officer of a Panchayat Samiti in his official capacity, or which is brought or defended by such officer at the expense of Panchayat Samiti and includes an appeal, an application for revision, for review or execution of decree and any civil judicial proceeding in which the Panchayat Samiti or an officer in his official capacity is a party or has any interest.

9. The proposed defendant shall be given ample opportunity of stating his view of the case and of coming to some agreement for the settlement of the claim of the Panchayat Samiti, out of court.

10. No person having a just claim against the Panchayat Samiti should be compelled to resort to litigation to enforce it.

11. All communications made to the opposite party on the subject matter in respect of which it is possible that a suit may ensue shall be headed “without prejudice” and if made orally, shall be stated to be made “without prejudice”.

12. No suit on behalf of the Panchayat Samiti shall be instituted without the previous sanction of the Chairman of the Panchayat Samiti:

Provided that all decisions of the Chairman of a Panchayat Samiti about instituting or defending a suit shall be placed before the next meeting of the Panchayat Samiti for confirmation.

13. (1) Whenever the Executive Officer or the Secretary of the Panchayat Samiti, as the case may be, considers that a suit should be instituted, he shall submit a clear and detailed report to the Chairman, Panchayat Samiti, indicating:—

- (a) the circumstances which, in his opinion, render the institution of the suit necessary and precisely when or where they occurred;
- (b) the subject of the claim and the relief sought;
- (c) the steps which have been taken to obtain satisfaction of the claim without bringing a suit;
- (d) the pleas or objections, if any, which have been urged by the proposed defendant against the claim;
- (e) the evidence, both oral and documentary, which is believed to be obtainable and which it is proposed to adduce in support of the claim;
- (f) whether the documents, if any, referred to in clause (e) are registered or not;
- (g) whether or not the circumstances of the person against whom it is proposed to institute the suit are such as to render it likely that the execution of any decree that may be given against him, will be obtained;
- (h) the evidence, both oral and documentary, which, so far as is known, the proposed defendant will be able and is likely to adduce in his defence;
- (i) whether the documents, if any, referred to in clause (h) are registered or not;
- (j) any other facts which the Executive Officer or the Secretary of the Panchayat Samiti considers material, for example, whether there are any special reasons for the institution of the suit apart from the amount actually claimed; whether other similar claims will hinge upon its decision;

(k) the amount required for stamp or other expenses.

(2) Copies of all available documents referred to in the report or the documents in original should be put up to the authority concerned along with the case.

14. When any person threatens to bring any suit against the Panchayat Samiti, it is incumbent on the Executive Officer or the Secretary of the Panchayat Samiti and the Chairman of the Panchayat Samiti to satisfy themselves without delay of the justice or otherwise of the whole or any part of the claim made and all reasonable efforts shall be made to bring about an amicable adjustment; without resort to proceedings in a court, so far as this can be done without sacrificing the just rights of the Panchayat Samiti.

15. (1) The Executive Officer or the Secretary of the Panchayat Samiti and the Chairman of the Panchayat Samiti shall immediately on receiving any notice of an intended suit, proceed to enquire into the matter and consider the claim put forward and decide or move the proper authority to decide, whether any and, if so, what steps should be taken to adjust the claim (whether in whole or part) or whether the claimant should be left to take such legal action as he may deem proper.

(2) When notice of the intention of any person to sue the Panchayat Samiti or any of its officers has been given, no communication should ordinarily be made to such person otherwise than under legal advice.

(3) When after receiving any such notice and enquiring into the matter the Chairman of the Panchayat Samiti proposes to—

- (a) tender any amount admitted to be due to the claimant;
- (b) offer terms of adjustment or suggest reference to arbitration; legal advice should ordinarily be sought as to the form or terms of the proposed tender, adjustment or reference, as the case may be, before they are communicated to the opposite party and when once a suit has been instituted, no sum should be tendered, terms of adjustment offered or reference to arbitration suggested otherwise than through the legal representative of the Panchayat Samiti.

16. (1) On the receipt of a notice of suit, the Executive Officer or the Secretary of the Panchayat Samiti shall proceed to collect, with least possible delay, all information regarding the facts of the case.

(2) He shall then, as soon as possible, submit a detailed report to the Chairman of the Panchayat Samiti along with the following documents together with an exact list of the same:—

- (a) the notice of the suit, the summons and a copy of the plaint;
- (b) an annotated copy of the plaint stating against each paragraph whether each statement, of fact made therein is correct or not, and, if not, in what respect it is not so;
- (c) copies of documents and lists of documents, if any, filed with the plaint;
- (d) copies of all other documents procurable, which are believed to bear on the case, either for the plaintiff or the defendant, together with as accurate a description as may be, of other documents, if any, which are believed to be relevant, but of which the contents cannot be precisely ascertained except through the court; and
- (e) all the correspondence and written proceeding connected with the subject of the suit.

(3) The report should be clear and detailed stating:—

- (a) the circumstances which led to the suit mentioning precisely when and where, each occurred, the course which is proposed to be adopted, namely, whether to admit, compromise or defend the suit, and the reasons for the same, and the steps, if any, which have already been taken to adjust the matter out of court;
- (b) whether the documents referred to in clause (c) and (d) of the preceding sub-rule are registered or not; and
- (c) the date fixed by the court for the first hearing.

17. Immediately on the termination of any suit, a copy of each of the judgement and decree or other final order of the court shall be procured without delay by the Executive Officer or the Secretary of the Panchayat Samiti.

18. (1) Immediately on receipt of the copies specified in the last preceding rule, the Executive Officer or the Secretary of the Panchayat Samiti shall submit a report of the result of the suit for the information of the Panchayat Samiti.

(2) When the result is adverse to the Panchayat Samiti and will involve a disbursement of money, the report shall state when, the money will be required so as to enable the Panchayat Samiti to make arrangements accordingly.

19. (1) When any suit has been decided wholly or partly against the Panchayat Samiti or any of their officers in their official capacity, and such officer or the Executive Officer or the Secretary of the Panchayat Samiti on a perusal of the copies of the judgement and decree or other final order of the Court is of the opinion that an appeal or an application for revision or review should be prepared, he shall, as soon as possible, prepare a report to that effect, stating the grounds of his opinion, and shall submit it to the Chairman of the Panchayat Samiti, together with the said copies of the evidence and all exhibits not previously submitted at an earlier stage and also with a draft of the grounds on which he considers that an appeal or application for revision or review shall be based. If the copies of the evidence and exhibits cannot be procured without considerable delay, the report should be submitted without them and they should be forwarded as soon as possible afterwards. As the period within which appeals or applications may be made is limited by law, there should be no delay in submitting reports and recommendations under this sub-rule.

(2) If the Executive Officer or Secretary of the Panchayat Samiti considers that no appeal or application should be made, he shall submit a report accompanied as aforesaid to that effect.

20. (1) If an appeal or an application for revision or for review of judgement is preferred by the opposite party in any suit, the officer receiving the notice thereof shall at once forward a copy of the notice to the Chairman of the Panchayat Samiti. The latter shall thereupon take such measures as may be necessary for defending the case in the appellate or other court.

(2) The provisions of rules 17, 18 and 19 shall be applicable to appeals, second appeals, applications for revision or review of the judgement.

(3) No fresh sanction for the defence of the case shall be necessary in the case of an appeal or an application for a revision or for review of the judgement preferred by or against the Panchayat Samiti.

21. Whenever it has been determined not to contest further a decision which is either wholly or partly adverse to the Panchayat Samiti, the Executive Officer, or the Secretary of the Panchayat Samiti shall immediately

arrange for the payment in the court whose duty it is to execute the decree, all moneys payable under the decree.

22. Immediately on a decree being given in favour of the Panchayat Samiti or an officer thereof, when the suit has been brought or defended at the expense of the Panchayat Samiti, the Executive Officer or the Secretary of the Panchayat Samiti concerned shall proceed to move the appropriate authority to take steps for the recovery of costs and of the amount, if any, decreed.

23. The Panchayat Samiti shall be required to take all possible measures to ascertain what property of the judgement-debtor exists and is available for attachment and sale in execution of the decree and that when security is taken from the judgement-debtor on stay of execution under Rule 5 of Order XLI in the First Schedule of the Code of Civil Procedure, the security taken by the court is substantial and sufficient and that proper action for immediate execution is taken if the required security is not satisfactory. The following instructions for this purpose are to be observed:—

- (a) if an appeal is instituted and the execution of the decree is stayed by order of the appellate court, the interval before the decision of the appeal should be made use of in making enquiries as to the property of the judgement-debtor;
- (b) the provisions of Rule 5 of Order XLI in the First Schedule of the Code of Civil Procedure, are ordinarily sufficient to prevent fraudulent disposal of property by the judgement-debtor during the time gained by an appeal, but the Executive Officer or the Secretary of the Panchayat Samiti should satisfy himself that the security taken by the Court is sufficient petitioning the court to be allowed to execute the decree at once if it is considered that the security rendered is not good or sufficient.
- (c) if such application be refused, the Executive Officer or the Secretary of the Panchayat Samiti shall endeavour to keep a watch on the property of the debtor, so as to prevent any fraudulent alienation or concealment of it.

24. A notice of intention to move a resolution, requiring the Chairman or Vice-Chairman or both to vacate office shall be given in Form I. Such a notice shall be signed by not less than one-third of the total number of members having right to vote of the Panchayat Samiti and shall be addressed to—

- (a) the Chairman, if the resolution is to be moved against the Vice-Chairman;
- (b) the Vice-Chairman, if the resolution is to be moved against the Chairman; and
- (c) the Deputy Commissioner, if the resolution is to be moved against the Chairman as well as the Vice-Chairman.

25. On receipt of notice under rule 24, the Chairman, Vice-Chairman, or the Deputy Commissioner to whom the notice has been addressed shall convene a meeting within a period of fifteen days of the date of receipt of notice.

26. If the Chairman, or Vice-Chairman, as the case may be, on receipt of the notice fails to call a meeting within the period specified in rule 25, all or any of the members of the Panchayat Samiti who had given notice of the intention to move a resolution under rule 24 may forward to the Deputy Commissioner, a copy of the notice (together with a copy of the motion)

second
reviso to
section 75
of the Act.

meeting to
be convened
within
fifteen days.

failure to
convene
meeting.

requesting him to convene a meeting of the Panchayat Samiti. The Deputy Commissioner shall, within fifteen days of the receipt of such request, convene a meeting of the Panchayat Samiti for the consideration of the motion at such date and time as may be appointed by him.

27. The Chairman, Vice-Chairman, or the Deputy Commissioner, as the case may be, shall issue not less than seven days before the appointed date of meeting, a notice of such meeting and of the date and time appointed therefor to every member of the Panchayat Samiti (including the Chairman and Vice-Chairman). The notice shall be in Form II and shall be served on the members in the manner given below:—

Notice of Meeting.

- (a) by giving or tendering such notice to the members;
- (b) if any member is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family;
- (c) if any member does not reside in the Panchayat Samiti area and his address elsewhere is known to the Chairman or Vice-Chairman or the Deputy Commissioner, by sending the same to him by registered post;
- (d) if service is not practicable through any of the means specified in clauses (a), (b) and (c), by fixing the same at conspicuous part of the member's place of abode or business.

28. As soon as the notices under rule 27 have issued the Deputy Commissioner concerned also (if the notice has not been issued by him) will be informed of the time, date and place of the meeting so as to enable him to make arrangements for holding election of Chairman or Vice-Chairman, or both, as the case may be, as required under the second proviso to sub-section (1) of section 75 of the Himachal Pradesh Panchayati Raj Act, 1968, if necessary.

Intimation to Deputy Commissioner.

29. If within one hour after the time appointed for the meeting the quorum is not present, the meeting shall stand dissolved and the notice shall lapse.

Lapse of notice.

30. The Deputy Commissioner or a Gazetted Officer authorised by him in this behalf (not being the Block Development Officer or any officer subordinate to the Block Development Officer) shall preside at such meeting and shall draw up proceedings of the meeting setting forth therein—

Minutes to be included in proceedings.

- (a) the motion in extenso;
- (b) the names of the members giving notice thereof;
- (c) the date on which the notice of the meeting was given under rule 24;
- (d) the date fixed for the meeting and the date on which notice of the meeting was sent under rule 27;
- (e) total number of members of the Panchayat Samiti;
- (f) the names of the members present;
- (g) if the Chairman or Vice-Chairman were present;
- (h) the time at which the meeting commenced and the time at which the meeting was dissolved for want of quorum, if the meeting is so dissolved;
- (i) the time at which the motion was put to vote;
- (j) the names of the members having right to vote and who voted for the motion;

- (k) the names of the members having right to vote and who voted against the motion;
- (l) the result of voting—whether the motion was defeated or succeeded.

Block Development Officer to be *ex-officio* Executive Officer.
Section 78 of the Act.

31. (1) The Block Development Officer shall be *ex-officio* Executive Officer of the Panchayat Samiti for dealing with the matters relating to the expenditure incurred out of the funds advanced to the Panchayat Samiti by any Department of the State Government or Central Government or Government of any other State.

(2) The Block Development Officer shall act as Secretary of the Panchayat Samiti for dealing with matters relating to the expenditure to be incurred out of the funds raised by the Panchayat Samiti through its own resources.

(3) The public servants, other than the Block Development Officer, under the control of the Panchayat Samiti shall work under the control and supervision of the Block Development Officer in his capacity as Executive Officer.

(4) The employees of the Panchayat Samiti other than Government servants shall work under the control and supervision of the Block Development Officer in his capacity as Secretary of the Panchayat Samiti.

BLOCK STAFF

Control every Block Staff at Panchayat Samiti level.
Section 12 (2) of the Act.

32. The servants of the Government including the Block Development Officer, acting in his capacity of Executive Officer and Secretary of the Panchayat Samiti, placed at the disposal of a Panchayat Samiti under section 92 of the Act, to the extent of their duties and functions assigned to them in relation to matters enumerated in sub-section (1) and entrusted to Panchayat Samiti under sub-section (2) of section 98 of the Act, shall be under the administrative control of the Panchayat Samiti.

No member to utilise the services of any employee to his own advantage.

33. No member, Vice-Chairman or Chairman of a Panchayat Samiti shall utilise the services of any employee, whether public servant or otherwise, of the Panchayat Samiti to his own advantage and any lapse in this regard of a member, Vice-Chairman or Chairman, shall be construed as mis-conduct for the purposes of section 153 of the Act.

Note.—A person employed on daily wages by a Panchayat Samiti is also an employee of the Panchayat Samiti for the purpose of this rule.

Services Rules Manual.

34. There shall be a "Service Rules Manual for employees of Panchayat Samitis", duly approved by the Government and such Manual shall lay down in detail the services rules for the employee of the Panchayat Samitis and such Manual may be revised by Government from time to time.

Character Rolls.

35. (1) The annual confidential report on the work and conduct of the Block Development Officer shall be initiated by the Chairman of the Panchayat Samiti and thereafter the Deputy Commissioner of the district shall record his remarks. The Deputy Commissioner shall then forward the report to the Director who, after recording his remarks, shall forward the same to the Agriculture Production Commission.

(2) The annual confidential reports on the work and conduct of each Government servant working under the control of the Block Development Officer shall be initiated by the Block Development Officer and after the Chairman of the Panchayat Samiti has recorded his remarks, the same shall be forwarded to the district officer of the Department to which such Government servant belongs and under whose overall control in the district such Government servant is functioning. The district officer concerned shall then forward the report, after recording his remarks, to the Deputy Commissioner. The Deputy Commissioner may record his remarks, if any, and thereafter

forward the report to the Head of the Department to which the said Government servant belongs and the Head of the Department concerned shall take further necessary action, if any, for finalising the report and maintaining the character rolls in safe custody in the manner prescribed by the Government in the concerned Department.

(3) The annual confidential report of an employee of Panchayat Samiti, other than a Government servant, shall be initiated by the Block Development Officer, and after the Chairman of the Panchayat Samiti has recorded his remarks, the same shall be forwarded to the Deputy Commissioner, who shall record his remarks and forward the same to the Director for recording his remarks.

36. The rules for recording and conveying the annual confidential reports of employees of Panchayat Samiti, other than Government servants, and other matters relating to such annual confidential reports shall be the same as are applicable to the corresponding class of Government servants.

Recording and conveying the annual confidential reports.

CHAPTER II

PANCHAYAT SAMITIS—CONDUCT OF BUSINESS AND PROCEEDINGS OF THE MEETINGS

37. All meetings of the Panchayat Samiti shall ordinarily be held in the office of the Panchayat Samiti.

Place of meetings.

38. (1) The Chairman, or in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, on requisition made in writing by not less than one-third of the total members of the Panchayat Samiti, convene a meeting within two weeks of the receipt of written requisition.

Meetings of the Panchayat Samiti. (Section 81 of the Act).

(2) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be despatched to every member of the Panchayat Samiti and exhibited at the office of the Panchayat Samiti not less than ten clear days before the meeting:

(Section 80 of the Act).

Provided that in case of emergency a special meeting may be convened by Chairman by giving four clear days' notice.

39. Every meeting of the Panchayat Samiti shall be presided over by the Chairman and in his absence, by the Vice-Chairman and in the absence of the Chairman and Vice-Chairman, by a member elected by the members present at the meeting.

Chairman/Vice-Chairman etc. to preside at meetings.

[Sub-section (1) of section 81 of the Act].

40. The order of the business to be transacted at every ordinary, general or special meeting shall be decided by the person presiding over the meeting.

Order of business.

41. If a meeting is adjourned for want of quorum a fresh notice of the meeting shall be given.

Adjournment of meeting for want of quorum

42. The minutes of proceedings of a Panchayat Samiti shall be recorded in Hindi, or Pahari or Urdu.

Language in which minutes to be recorded

43. A brief record of the proceedings at each meeting of Panchayat Samiti shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the authority presiding at the meeting or of the next ensuing meeting and shall at all reasonable times be opened to inspection by any inhabitant of the Block.

Minutes of proceedings of meetings of Panchayat Samiti.

Resolutions.

44. (1) Any member may move a resolution relating to a matter concerning the administration of the Panchayat Samiti.

(2) The presiding authority shall decide on the admissibility of a resolution and shall disallow any resolution which, in its opinion, contravenes the provisions of the Act or the rules made thereunder. The decision of the presiding authority on the question of admissibility shall be final:

Provided that if a resolution moved in the meeting of a Panchayat Samiti relates to a matter unconnected with its administration and may lead to an unseemly controversy, the presiding authority shall refer the resolution to the Deputy Commissioner and obtain his order as to whether it may be admitted.

(3) The resolutions shall not contain arguments, inferences, ironical expressions or defamatory statements, nor they shall refer to the character or the conduct of any person in his public capacity.

(4) The resolutions shall be of an affirmative character.

(5) Notice of a resolution shall be in writing and signed by the person moving it.

(6) A member who wishes to move a resolution shall give at least six clear days' notice of his intention and shall, along with the notice, submit a copy of the resolution which he wishes to move:

Provided that the presiding authority, may, for reasons to be stated by it, allow a resolution to be entered on the list of business with a notice shorter than six days.

(7) If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn.

(8) Every resolution which has been moved shall be seconded otherwise it shall not be discussed, nor shall any question be put on it.

(9) The discussion on a resolution shall be strictly limited to the subject of the resolution:

Provided that routine resolutions regarding periodical statements and proceedings of Standing Committees and reports of Consultative Committees of a Panchayat Samiti may be put to the meeting by the presiding authority without their having been moved or seconded.

45. A member while speaking, shall not—

(i) comment on any matter on which a judicial decision is pending;

(ii) make a personal charge against a member;

(iii) use offensive expressions about the conduct of proceedings of Parliament, or of the Legislature of any State, or of any other Panchayat Samiti or Zila Parishad;

(iv) utter defamatory words; or

(v) use his right of speech for the purpose of obstructing business of the Panchayat Samiti.

46. (1) The presiding authority may prohibit any member from voting on or taking part in the discussion of any question, in which he believes such member to have any pecuniary interest, or he may require such member to absent himself during the discussion.

(2) Such member may challenge the decision of the presiding authority, who shall thereupon put the question to the meeting and the decision of the meeting shall be final.

(3) The member concerned shall not be entitled to vote on the question referred to in sub-rule (2) and the presiding authority shall not be entitled to vote on the motion referred to in sub-rule (4).

Certain
restrictions
on speaking.

Procedure
when a
member has
pecuniary
interest in
subject
under con-
sideration
of meeting.

(Section 85
of the Act).

(4) If the presiding authority is believed by any member present at the meeting to have any direct or indirect pecuniary interest in any subject under discussion; the presiding authority may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

47. The presiding authority may, in case of grave disorder arising in the meeting suspend any sitting for a time to be named by him.

Suspension of sitting.

48. (1) The presiding authority shall preserve order and shall have all powers necessary for the purpose of enforcing its decisions.

Maintenance of order.

(2) The presiding authority may direct any member, who in its opinion is guilty of breach of order, to withdraw immediately from meeting and any member so ordered shall withdraw forthwith.

49. The Block Development Officer in his capacity as Secretary of the Panchayat Samiti, shall have the custody of the proceedings of the Panchayat Samiti.

Custody of the records of proceedings.

50. The Agriculture Production Commissioner of Himachal Pradesh shall exercise all powers of the Government under section 142 of the Act. He shall also exercise all the powers of the Government under section 162 except the power to make rules.

Delegation of powers and functions.

CHAPTER III

CHAPTER VII OF THE ACT

51. (1) It shall be the duty of the Block Development Officer, assisted by the staff working under him, to faithfully implement the resolutions of the Panchayat Samiti.

Implementation of the resolutions of the Panchayat Samiti

(2) The responsibility for executing the various schemes and works in accordance with the resolutions of the Panchayat Samiti and the instructions of the various Departments, shall be the sole responsibility of the Block Development Officer assisted by the staff working under him. The Chairman, Vice-Chairman, or any member of the Panchayat Samiti, shall not interfere in the execution of any such work or scheme or any other matter and they shall also not handle any case.

52. It shall be the duty of the Panchayat Samiti as a whole and the Chairman of the Panchayat Samiti in particular to keep a watch over the progress of the various developmental schemes and works in progress or under maintenance in the Block and in case of any slackness in the progress or any irregularity or mis-utilisation of Samiti Fund in any manner, he shall bring the matter to the notice of the Deputy Commissioner and the Department concerned and shall also give a direction to the Block Development Officer to take necessary remedial action. The maintenance of accounts and other matters relating to Samiti Fund shall also be the responsibility of the Block Development officer and respective members of the staff of the Panchayat Samiti.

Duty of Panchayat Samiti to watch development schemes.

53. The Government Servants Conduct Rules, as amended from time to time, shall apply to the servants of a Panchayat Samiti in so far as they are not inconsistent with the provisions of the Himachal Pradesh Panchayat Raj Act, 1968 and the rules made thereunder:

Govt. Servants Conduct Rules to apply to servants of Panchayat Samiti. (Section 93 of the Act).

Provided that for the word "Government" and the words "Government Servant" wherever they occur in the aforesaid rules, the words "Panchayat Samiti" and the words "Panchayat Samiti Servant", respectively, shall be deemed to have been substituted.

CHAPTER IV

CHAPTER IX OF THE ACT

Duties & powers of Panchayats Samitis.

54. The Panchayat Samiti shall make arrangements for carrying out the requirements of area under its jurisdiction in respect of the matters enumerated in section 98 of the Act in accordance with the instructions issued in this behalf from time to time by the State Government.

Supervision and control over administrative functions of Gram Panchayats.

55. In accordance with the instructions issued by the Government from time to time in this behalf, a Panchayat Samiti shall exercise supervision and control over the performance of all or any of the administrative functions of the Gram Panchayats within its area or any part thereof.

Bye-Laws (Section 102 of the Act).

56. (1) In accordance with the provisions contained in section 102 of the Act, a Panchayat Samiti may, with the previous approval of the Government, from time to time, make, by notification in the Official Gazette, bye-laws, consistent with the provisions of the Act and these rules for carrying out all or any of the purposes of the Act.

(2) Before framing bye-laws, the Panchayat Samiti shall publish a draft of bye-laws in the area of that Panchayat Samiti, by publishing them in a newspaper, approved by the Director for this purpose or by affixing the draft of bye-laws in conspicuous places in the area of the Samiti as well as outside the office of the Panchayat Samiti and shall invite objections within thirty days.

(3) After considering objections, if any, and taking decision thereon, the Panchayat Samiti shall forward them to the Director, who may modify or sanction them or pass any other suitable order on them.

(4) The bye-laws, as approved by the Director, shall come into force after they have been published in the Official Gazette.

Compounding of matters under Section 104 of the Act.
Execution of works.

57. A Panchayat Samiti shall compound any matter under section 104 of the Act, only after the terms and conditions of the composition have been approved by the Deputy Commissioner.

58. All works to be undertaken by the Panchayat Samiti shall be planned and executed in accordance with the instructions issued by the Government from time to time. The accounts, registers, books and papers shall also be maintained in accordance with such instructions as the Government may issue in this regard.

Prescribed authority under section 157(1) of the Act.

59. The Deputy Commissioner of the district in which the Panchayat Samiti is situated will be the prescribed authority for the purpose of subsection (1) of section 157 of the Act.

Repeal and Savings.

60. All such rules made under the Punjab Panchayat Samitis and Zila Parishads Act, 1961 (3 of 1961) as are in force in the transferred territory, for which provision has been made in these rules are hereby repealed. The Rules made under the Punjab Panchayat Samitis and Zila Parishad Act, 1961 (3 of 1961) for which no corresponding provision has been made in these rules shall continue to be in force till they are substituted by corresponding rules under the Act.

Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.

FORM I
(See rule 24)

To

The Chairman, Panchayat Samiti.....,
District.....

Sir,

We the undersigned members of.....Panchayat Samiti do hereby give notice of our intention to make a motion requiring the Chairman and/or Vice-Chairman to vacate office/offices as required under section 75 of the Himachal Pradesh Panchayati Raj Act, 1968 read with Rule 24 of Himachal Pradesh Panchayat Samitis Rules, 1970 at a meeting to be convened for the purpose.

2. A copy of the motion proposed to be made is enclosed.

Signed at.....on the.....
day of.....

- (1)
(2)
(3)

FORM II
(See rule 27)

To

.....Chairman/Vice-Chairman/Member of the....- - -
.....Panchayat Samiti.

Sir/Madam,

Whereas a notice of intention to make a motion requiring the Chairman and/or Vice-Chairman to vacate the office under section 75 of the Himachal Pradesh Panchayati Raj Act, 1968, read with Rule 27 of the Himachal Pradesh Panchayat Samitis Rules, 1970, has been received on.....

2. Now, therefore, I hereby give notice that a meeting of the Panchayat Samiti shall be held at the office of the Panchayat Samiti on.....(date) at....., (time) for considering the said motion requiring the Chairman and/or Vice-Chairman to vacate office.

3. A copy of the motion proposed to be made requiring the Chairman/ Vice-Chairman to vacate office is enclosed.

(For signatures) Chairman/Vice-Chairman/Deputy Commissioner.

K. C. PANDEAY,
Secretary.

